

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SERGEY MKHITARYAN,

Case No. 2:20-cv-02169-JAD-NJK

Plaintiff

ORDER

v.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, *et al.*,

Defendants

I. DISCUSSION

On November 25, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative,

1 pay the full \$400 filing fee for this action on or before **February 1, 2021**. Absent unusual
2 circumstances, the Court will not grant any further extensions of time.

3 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with
4 all three required documents or pay the full \$400 filing fee on or before **February 1, 2021**, this
5 case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court
6 when Plaintiff is either able to acquire all three of the documents needed to file a fully complete
7 application to proceed *in forma pauperis* or pays the full \$400 filing fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
9 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
10 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
11 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
12 **February 1, 2021** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
14 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
15 *in forma pauperis* with all three documents or pays the full \$400 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff
18 the approved form application to proceed *in forma pauperis* by an inmate, as well as the document
19 entitled information and instructions for filing an *in forma pauperis* application.

20 IT IS FURTHER ORDERED that, on or before **February 1, 2021**, Plaintiff will either pay
21 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
22 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
24 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
25 3),

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
27 (i.e. page 4 of this Court's approved form), and

28 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**

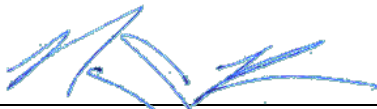
1 **six-month period.**

2 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
3 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
4 on or before **February 1, 2021**, this case will be subject to dismissal without prejudice for Plaintiff
5 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
6 needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
8 No. 1-1, but will not file it at this time.

9 IT IS SO ORDERED.

10 DATED: December 1, 2020.

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13 NANCY J. KOPPE
14 UNITED STATES MAGISTRATE JUDGE
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